

## REMARKS

This is intended as a full and complete response to the Office Action dated January 7, 2008, having a shortened statutory period for response extended three months set to expire on July 7, 2008. Claims 1-8 remain pending in the application. Please reconsider the claims pending in the application for reasons discussed below.

### Specification

In the Office Action, the Examiner indicated that the specification is not in accordance with 37 CFR 1.77(b). In response, Applicant has amended the specification to include the appropriate headings as indicated on page 2 of the response.

### Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by Hamsund (U.S. Pat. No. 6,511,414). In response, Applicant has amended independent claim 1.

As amended, claim 1 includes the limitations of a cover having an airflow chamber, wherein the airflow chamber is designed to receive air from a ventilation aggregate's supply side via at least a first duct, and wherein the airflow chamber is designed to supply an incubator chamber with air via flow apertures, and wherein the incubator chamber is defined between a platform and the cover and the incubator chamber is configured to house a patient bed rest. Hamsund fails to disclose these limitations. Hamsund merely discloses an incubator having a chamber 23 for housing a bottom board 10, wherein ventilation air is supplied to the chamber 23 via ducts disposed around the bottom board 10 (see Hamsund, col. 2, lines 57-65 and Figure 1). Therefore, Hamsund does not disclose a cover having an airflow chamber that is configured to supply an incubator chamber with air via flow apertures as recited in claim 1.

As the foregoing illustrates, Hamsund fails to teach each and every limitation of amended claim 1 and this failure prevents Hamsund from anticipating claim 1. For these reasons, Applicant submits that claim 1 is in condition for allowance and respectfully requests withdrawal of the § 102(b) rejection. Additionally, the claims that depend from claim 1 are allowable for at least the same reasons as claim 1.

#### Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being obvious over Hamsund. Applicant respectfully traverses the rejection. Claim 7 depends from claim 1. As set forth above, Hamsund fails to disclose all the limitations of claim 1. This failure precludes Hamsund from rendering claim 7 obvious. Therefore, Applicant believes that claim 7 is in condition for allowance and respectfully requests withdrawal of the § 103(a) rejection.

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being obvious over Hamsund and Paschal, Jr. (U.S. Pat. No. 6,418,932). Applicant respectfully traverses the rejection. Claim 8 depends from claim 1. As set forth above, Hamsund fails to disclose all the limitations of claim 1. Further, Paschal, Jr. fails to cure the deficiencies of Hamsund. As such, the combination of Hamsund and Paschal, Jr. fails to render claim 8 obvious. Therefore, Applicant believes that claim 8 is in condition for allowance and respectfully requests withdrawal of the § 103(a) rejection.

#### New Claims

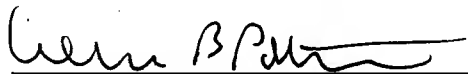
New claims 9-20 have been added to claim aspects of the present invention. Applicant submits that no new subject matter has been added. Claim 9 depends from claim 1 and this claim is allowable for at least the same reasons as claim 1. Further, Applicant believes that the combination of Hamsund and/or Paschal, Jr fails to teach or suggest an incubator device comprising a cover having an outer shell and an inner shell, the shells define an airflow chamber on an upper portion of the cover, a platform, wherein the inner shell of the cover and the platform define a chamber that is configured to receive a bed rest and a ventilation aggregate for circulating airflow through the

chamber, wherein the airflow enters an upper portion of the chamber via the airflow chamber and exits a lower portion of the chamber adjacent the bed rest, as recited in new claims 10-16. Additionally, Applicant believes that the combination of Hamsund and/or Paschal, Jr fails to teach or suggest an incubator device comprising a cover having an airflow chamber, a platform for supporting a bed rest, a incubator chamber defined between the cover and the platform, wherein the airflow chamber is positioned above the incubator chamber and a ventilation aggregate configured to circulate airflow through the incubator chamber, the ventilation aggregate includes a supply duct connected to the airflow chamber to supply airflow to an upper portion of the incubator chamber and a return duct positioned adjacent the bed rest to remove airflow from a lower portion of the incubator chamber, as recited in new claim 17-20. Therefore, Applicant believes that new claims 9-20 are in condition for allowance and respectfully request the same.

#### Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

  
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